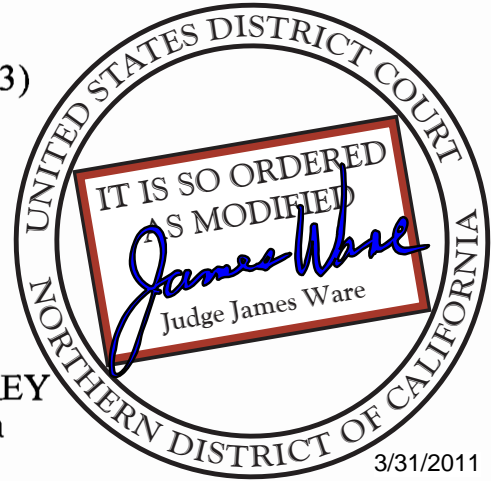


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12 PENINSULA, a California nonprofit corporation



13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE

15 COMMUNITY HOSPITAL OF THE
16 MONTEREY PENINSULA, a California
17 nonprofit corporation,

18 Plaintiff,

19 vs.

20 DAVE KINGSTON PRODUCE, INC.,
21 an Idaho Corporation; and GLOBAL
22 EXCEL MANAGEMENT, INC.; A
23 Canadian corporation, and DOES 1-25,
24 inclusive,

25 Defendants.

Case No.: CV 10-2041 JW

26 [PROPOSED] ORDER RE
27 STIPULATION TO ALLOW
28 PLAINTIFF TO FILE A FIRST
AMENDED COMPLAINT

1 ~~PROPOSED~~ ORDER

2
3 Having read the foregoing Stipulation of the parties, and good cause
4 appearing,

5
6 IT IS HEREBY ORDERED:

7
8 1. Community Hospital of the Monterey Peninsula (“Community
9 Hospital”) shall file and serve (by mail) its First Amended Complaint within five
10 (5) business days after the Court approves the [Proposed] Order lodged
11 concurrently with the parties’ Stipulation, and hereby grants leave to Community
12 Hospital to file said First Amended Complaint;

13
14 2. Counsel for Defendants Dave Kingston Produce, Inc. and
15 Global Excel Management, Inc. (collectively, “Defendants”) shall accept service
16 on behalf of Defendants; and

17
18 3. Defendants shall each file and serve an answer or otherwise
19 respond to the First Amended Complaint within thirty (30) days from the date of
20 service of the First Amended Complaint;

21 On or before April 4, 2011, Plaintiff shall file its Amended Complaint as a separate docket entry.

22
23 DATED: March 31, 2011

24 
25 HON. JAMES WARE
26 UNITED STATES DISTRICT CHIEF JUDGE